REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-2 and 7 have been amended. Claims 3-6, 8-9, and 24-25 have been cancelled. Claims 1-2, 7, and 18-19 are pending and under consideration.

Rejections under 35 U.S.C. § 103

In the Office Action, at pages 2-6, claims 1-9, 18-19, and 24-25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nishibori et al. (U.S. Patent No. 5,323,971) in view of Gordon (UK Patent Application GB 2 121 535 A).

Neither Nishibori et al. nor Gordon discuss or suggest:

> the peeling is performed within a predetermined time such that pulverized pieces having a residual coating film area exceeding 50 square millimeters remain,

as recited in amended claim 1. In practice, it is very difficult to completely peel the coating film off of the pulverized pieces, even when the peeling process time is extended beyond approximately 50 minutes. In fact, when the peeling process is extended for longer periods of time, the rubbing action of the mechanical force is also applied to pulverized pieces in which the coating film has already been adequately removed, thereby decreasing the particle diameter of the pulverized pieces too much and preventing the coating film on pulverized pieces from being detected by a sensor. As such, the invention of claim 1 provides for peeling the pulverized pieces within a predetermined time such that the pulverized pieces that remain after the peeling each have a residual coating film area of greater than $50mm^2$. In this manner, the removal of the coating film is controlled by the peeling time. By intentionally stopping the peeling within a predetermined time such that the pulverized pieces maintain a residual coating film area of greater than $50mm^2$, the method of claim 1 provides that the pulverized pieces are not completely peeled.

Nishibori et al. is designed to completely remove all of the coating film from the pulverized pieces and provides for completely compressing the crushed pieces during the peeling such that they are finely pulverized. In contrast to claim 1, Nishibori et al. does not limit the peeling to being within a predetermined time such that the pieces maintain a residual coating film area of greater than $50mm^2$. While Nishibori et al. does provide that the resin material may not be completely cleared of the resin film, the resin material is so finely pulverized that it would be difficult for a sensor to accurately detect the presence of the resin film. Clearly, the object of

Nishibori et al. is complete peeling, and such is the reason that Nishibori et al. is silent regarding sensing and determining the presence of resin film for each individual pulverized piece after the peeling, as is conceded by the Examiner. Also, Gordon clearly fails to make up for this deficiency in Nishibori et al.

Further, it would not have been obvious to have combined the process of Nishibori et al. with the detector of Gordon in order to focus the practicing of the method of separating the skin and resin by detecting the object with the desired skin and resin characteristics. As discussed above, Nishibori et al. is concerned with complete peeling and, to that end, provides for pulverizing the resin material pieces into fine particles without regard for particle size. As such, one of ordinary skill in the art would not contemplate separating the remaining pieces of Nishibori et al. based on the presence of resin film, because the remaining pieces have been peeled such that little or no resin film actually remains. Therefore, the Examiner's motivations for combining the references are not proper. Also, there is no adequate motivation to combine the process of Nishibori et al. with the detector of Gordon without having to rely on the Applicants' own disclosure and, even if Nishibori et al. were combined with Gordon, the invention of claim 1 would not result. Applicants respectfully request that the Examiner directly address the motivation argument put forth above.

Since neither Nishibori et al. nor Gordon discuss or suggest:

> the peeling is performed within a predetermined time such that pulverized pieces having a residual coating film area exceeding 50 square millimeters remain,

as recited in amended claim 1, and there is no adequate motivation to combine the references, claim 1 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Neither Nishibori et al. nor Gordon discuss or suggest:

> the peeling is performed within a range of 15 to 50 minutes such that the pulverized pieces maintain a particle diameter of at least a predetermined size and the coating film removal ratio of the peeling is within a range of 98.90 to 99.58 percent,

as recited in amended claim 2, and there is no adequate motivation to combine the references, so that claim 2 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 7 and 18-19 depend either directly or indirectly from claim 2, and include all the features of claim 2, plus additional features that are not discussed or suggested by the

references relied upon. Therefore, claims 7 and 18-19 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

Claims 2-6, 8-9, and 24-25 have been cancelled. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 7-8-08

By: _____

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